



City of Santa Barbara

O-C REZONE

ORDINANCE NO. 5343

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING MUNICIPAL CODE TITLE 28 BY AMENDING CHAPTERS 28.21 AND 28.22 TO AMEND THE PROVISIONS OF THE HRC-1 AND HRC-2, HOTEL AND RELATED COMMERCE ZONES, AND ADDING A NEW CHAPTER, CHAPTER 28.71, IN ORDER TO ESTABLISH THE OC, OCEAN-ORIENTED COMMERCIAL ZONE

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 28.21.080 of Chapter 28.21 (R-3 Limited Multiple-Family Residence Zone and R-4 Hotel-Motel Multiple Residence Zone) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

Section 28.21.080 Lot Area and Frontage Requirements.

A. Minimum Lot Size and Frontage for New Lots. Every lot hereafter created in an R-3 and R-4 Zone shall contain at least fourteen thousand (14,000) square feet and sixty feet (60') of frontage on a public street.

B. Existing Lots Between 5,000 and 7,000 Square Feet. For existing lots having between five thousand (5,000) and seven thousand (7,000) square feet of lot area, such lot may be used as a building site for two (2) dwelling units, provided that all other regulations of the zone prescribed by this title are observed.

C. Lots Less Than 5,000 Square Feet. For existing lots of less than five thousand (5,000) square feet of area, such lot may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

D. Lots Greater Than 7,000 and Less Than 14,000 Square Feet. For existing lots having between seven thousand (7,000) and fourteen thousand (14,000) square feet of lot area, such lot may be used as a building site for three (3) units, provided that all other regulations of the zone prescribed by this title are observed.

E. Lots Greater Than 14,000 Square Feet. For lots of fourteen thousand (14,000) square feet or more, there shall be provided a lot area of three thousand five hundred (3,500) square feet or more for each dwelling unit hereafter erected.

F. Additional Open Space. In addition to all required yards, there shall be an open space area of not less than ten percent (10%) of the total lot area. The open space may consist of walks, patios, planted areas, lawns, swimming pool areas and other landscaped area; excluding, however, for open space credit garages, carports, balconies, porches, roof areas, driveways, parking and turn-around areas. Landscaped areas which are located seven feet (7') or more below eaves, balconies and other architectural and building projections may be included in the open space required herein.

G. Variable Density in Certain Zones. Lots in the R-3, R-4, C-1, C-2, C-M and R-O Zones, as well as lots in the HRC-2 and OC Zones where residential uses are allowed by the Local Coastal Plan,

may be used as a building site for more units than permitted in paragraphs 2, 3, 4 and 5 above if the number of bedrooms in the dwelling unit is limited in accord with the following:

- a. Studio unit - one (1) unit per 1,600 square feet of lot area;
- b. 1 bedroom unit - one (1) unit per 1,840 square feet of lot area;
- c. 2 bedroom unit - one (1) unit per 2,320 square feet of lot area;
- d. 3 or more bedroom unit - one (1) unit per 2,800 square feet of lot area.

Existing lots with less than 5,000 square feet of lot area size, shall not be used as a building site under this sub-paragraph for more than two (2) dwelling units. This sub-paragraph shall be applicable in the R-3, R-4, C-1, C-2, C-M, R-O, HRC-2 and OC Zones and not in any other zone.

SECTION 2. Chapter 28.22 (HRC-1 and HRC-2 Hotel and Related Commerce Zones) of Title 28 of the Santa Barbara Municipal Code is amended to read as follows:

Section 28.22.010 In General.

This is a zone which, because of its proximity to the shoreline and its location along two major arteries, strives to promote, maintain and protect visitor-serving and commercial recreational uses. Tourist and traveler related uses shall be encouraged in this zone in a manner which does not detract from the desirability of the shoreline as a place to visit. Residential uses are appropriate in certain areas of the HRC-2 zone.

Land classified in the HRC-2 zone may also be overlaid with a second classification of being in the Ocean-Oriented Commercial zone (hereinafter referred to as the “OC zone.”) The OC zone regulations shall apply to all development projects on land with a dual HRC-2 / OC zoning designation.

Section 28.22.030 Land Uses Permitted.

The following land uses are allowed in the HRC zones indicated:

1. HRC-1 Zone:

Hotels, motels and tourist courts including related recreational, conference center and other auxiliary uses primarily for use by hotel guests and as permitted in Section 28.21.030.B2 of this code. In addition, restaurants, including those with entertainment facilities used in conjunction with the restaurant, are allowed.

2. HRC-2 Zone:

a. General: Any use permitted in the HRC-1 Zone and subject to the restrictions and limitations contained therein.

b. Specific: Any of the following uses which are primarily visitor-serving or of a commercial recreational nature specific to the Coastal Zone are allowed:

1. Bicycle, roller skating, moped, dive gear and other recreational equipment rental stores.
2. Stores which sell liquor, groceries and food which do not exceed 2,500 sq. ft. in gross floor area.
3. Specialty and gift shops.
4. Art galleries.
5. Bait and tackle shops, sales of boats, marine supplies and related equipment.

6. Other visitor-serving or commercial recreational uses deemed appropriate by the Planning Commission.

c. General Office Use. The second and third floors of commercial buildings are allowed to be used for general office uses upon issuance of a Conditional Use Permit. A Conditional Use Permit may be granted by the Planning Commission or City Council on appeal for such uses in accordance with the provisions of Chapter 28.94 of this Code, subject to the following additional findings:

1. The use is compatible with visitor-serving uses;
2. Visitor-serving uses remain the primary use of the building; and
3. Non-visitor-serving uses shall not exceed fifty (50) percent of the total square footage of the building.

d. Restriction on Residential Use. Residential use is prohibited in the HRC-2 Zone except in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north. Any use permitted in the R-3 Zone is allowed in these areas subject to the restrictions and limitations contained in this Chapter.

e. Special treatment area. The following additional restrictions shall apply in the area bounded by Cabrillo Boulevard on the southeast, Los Patos Way on the southwest and the existing railroad right-of-way on the north due to concerns about protection of the sensitive habitat character and aesthetics of the Andree Clark Bird Refuge:

1. **High Intensity Uses.** The following high-intensity uses shall be prohibited:
 - (a) fast food restaurants;
 - (b) stores which sell liquor, groceries and food, except that off-site sale of beer and wine and picnic items may be allowed only when incidental to and related to the primary use of the establishment.
 - (c) automobile service station.
2. **Front Yards.** There shall be a front yard of not less than:
 - (a) Ten (10) feet for one-story buildings that do not exceed fifteen (15) feet in height; and
 - (b) one hundred (100) feet for the second-story portion of any building that exceeds fifteen (15) feet in height
3. **Building Height.** Three-story buildings and buildings in excess of thirty (30) feet in height shall be prohibited.

Section 28.22.035 Uses Permitted Upon the Issuance of a Conditional Use Permit.

In the HRC-2 Zone, automobile rentals, parking lots, automobile service stations and automobile service station/mini-markets shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code, except where specifically prohibited elsewhere in this Chapter.

Section 28.22.040 Coastal Zone Review.

All development in the Coastal Overlay Zone (S-D-3) is subject to review pursuant to Section 28.45.009 of this Code.

Section 28.22.045 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the

project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300.

Section 28.22.050 Building Height Standards.

No building or structure in an HRC zone shall exceed three (3) stories or exceed forty-five (45) feet in height.

Section 28.22.060 Yards.

A. FRONT YARD. There shall be a front yard of not less than:

1. Ten (10) feet for one story buildings that do not exceed fifteen (15) feet in height;
and
2. Twenty (20) feet for all other buildings.
3. **INTERIOR YARD.** Buildings on property immediately adjacent to residentially-zoned property shall have an interior yard of no less than ten (10) feet or one-half (½) the height of the building, whichever is greater.

SECTION 3. Title 28 of the Santa Barbara Municipal Code is amended by adding a new chapter, Chapter 28.71, the “Ocean-Oriented Commercial (OC) Zone”, which reads as follows:

Section 28.71.010 In General.

The regulations contained in this Chapter shall apply in the OC Zone unless otherwise provided in this Title. This zone strives to achieve balanced use of the City's Waterfront and maintain the small scale, local character that is unique to the Waterfront area. Land uses shall be encouraged in this zone that maintain and enhance the desirability of the Waterfront as a place to work, visit, and live. This zone is intended to foster a vital, mixed use neighborhood and preserve and protect the coastal environment in terms of light, air, and visual amenities.

Land classified in the OC zone may also be classified in the HRC-2 (Hotel and Related Commerce 2) zone and those land uses authorized within the HRC-2 zone are also allowed uses within the dual OC/HRC-2 zone.

Section 28.71.020 Uses Permitted.

Any of the following uses are permitted, provided that such operations, manufacturing, processing, or treatment of products are not obnoxious or offensive by reason of emission of odor, dust, gas, fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes which may impose hazard to life or property:

1. Ocean-dependent and ocean-oriented uses such as:
 - a. Aquaculture facilities.
 - b. Boat and boat trailer rental.
 - c. Marine equipment and accessories manufacturing, sales, repair, storage, or rental.
 - d. Marine-oriented government facilities.
 - e. Marine research and development facilities.
 - f. Offices of businesses engaged in ocean-related activities.
 - g. Boat and sail manufacturing and repair.
 - h. Seafood processing, wholesaling, storage, and related activities.

- i. Services necessary for commercial fishing activities, including such facilities as net repair areas, ice machines, and storage areas.
- j. Ocean-oriented educational facilities.
- 2. Commercial recreational uses such as:
 - a. Bicycle, roller skating, moped, dive gear, boating, surfing, and other recreational equipment rental, sales, manufacturing, and repair.
 - b. Public or private parks or recreational facilities.
- 3. Arts related uses such as:
 - a. Art galleries (may include sales).
 - b. Art schools.
 - c. Art studios/workspaces (may include sales).
 - d. Blueprinting, photostatting, printing, lithographing, or publishing establishments.
 - e. Industrial arts and crafts uses, including, but not limited to, framing, jewelry making, metallurgy, pottery, sculpture, specialty sewing/monogramming, and weaving (industrial arts and crafts uses may include sales).

For the purposes of this Chapter, the term "art" shall be defined as the creative application of a specific skill, the purpose of which is to create objects of form or beauty.

- 4. Restaurants.
- 5. **Residential Uses.**

a. Generally. Any use permitted in the R-3 zone is allowed in the area bounded by Helena Avenue on the west, the existing railroad right-of-way on the south, Garden Street on the east and Highway 101 on the north, subject to the restrictions and limitations contained in this Chapter so long as the R-3 use is constructed as a project providing a mix of allowed non-residential and residential use where the residential use will not exceed 70 percent of the total building floor area of the development project.

Any parcel of 5500 square feet or less in size which exist as of the date of the adoption of the ordinance codifying this amendment to Chapter 28.71 and which is not contiguous to another adjacent parcel(s) which is held in common ownership with the first parcel shall be exempt from the above-described mixed-use requirements.

b. Affordable Housing Projects. Development projects comprised exclusively of units affordable to very low, low, or moderate income households (as evidenced by the recordation of long-term affordability covenants consistent with the City's Affordable Housing Policies and Procedures) shall be exempt from the above-stated mixed-use requirements for this zone.

c. Existing Residential Buildings. Residential buildings which exist at the time of the adoption of the Ordinance enacting this Chapter (as established by the existence of a valid certificate of occupancy issued by the City), shall not be deemed non-conforming to the requirements of this Chapter and such buildings may be rehabilitated or remodeled (but not demolished) and expanded so long as any such permitted expansion (or expansions in total) does not exceed twenty percent (20%) of the floor area of the existing dwelling unit with the floor area and percentage calculated as of the date of the adoption of the Ordinance enacting this Chapter.

- 6. **Small Stores.** Stores that sell liquor, groceries, or food that do not exceed 2,500 square feet in gross floor area.

7. **OC Uses Found Consistent.** Other ocean-dependent, ocean-oriented, commercial recreational, or arts-related uses that are found to be consistent with the intent of the OC zone by the Planning Commission.

Section 28.71.030 Uses Permitted Upon the Issuance of a Conditional Use Permit.

A. Automobile Related Uses. In the OC Zone, automobile rentals and parking lots shall be permitted with a conditional use permit issued in accordance with the provisions of Chapter 28.94 of this Code.

B. Small Hotels. In the OC zone, small hotels shall be permitted upon the issuance of a conditional use permit in the OC zone area designated for “small hotel” on the map attached to this Chapter as Exhibit A subject to the following express limitations:

1. A small hotel may not have more than six (6) guest rooms;
2. The size of each hotel guest room shall be limited to a maximum of 300 square feet of floor area (including hallways, closets, baths, interior circulation and other similar floor area) and the room may not include an individual kitchen area;
3. A common kitchen / dining / lobby area is allowed but may not be located within a guest room;
4. A manager’s residential unit is allowed with a maximum of 600 square feet of floor area provided that the manager’s unit is located adjacent to, or with immediate access to, the common or lobby area and provided that it not have an separate access from outside the common area.

C. Findings Required for Small Hotels. Planning Commission approval of small hotels in the area of the OC zone for which they are authorized by subsection B hereof shall be subject to all of the following CUP findings:

That the small hotel:

1. will support the goals of the Local Coastal Plan and OC zone to promote a vital, mixed use neighborhood in the Waterfront comprised of a diversity of land uses;
2. is part of a mixed-use project and in a mixed-use setting within a property having pre-existing legal uses or permitted OC uses;
3. is compatible with the surrounding land uses and OC uses;
4. may include a manager’s unit if it is necessary to support the hotel or other improvements on the site;
5. will not be materially detrimental to the public peace, health, safety, comfort and general welfare and will not materially affect property values in the particular neighborhood involved;
6. has a sufficient area for the site and has a design for the facilities of an appropriate magnitude in view of the character of the land and in view of the proposed development that significant detrimental impact on surrounding properties is avoided;
7. will provide adequate access and off-street parking in a manner and amount so that the demands of the development for such facilities are adequately met without altering the character of the public streets in the area at any time; and
8. will have an appearance (in terms of its arrangement, height, scale, and architectural style of the buildings, location of parking areas, landscaping, and other features) which is compatible with the character of the area.

28.71.040 Coastal Zone Review.

All development in the Coastal Overlay Zone (S-D-3) is subject to review pursuant to Section 28.45.009 of this Code.

28.71.050 Development Potential.

Notwithstanding any provision of law to the contrary, no application for a land use permit for a nonresidential construction project will be accepted or approved on or after December 6, 1989 unless the project complies with the provisions outlined in General Provisions, Development Plan Approval, Section 28.87.300.

28.71.060 Building Height Standards.

No building or structure in the OC zone shall exceed three (3) stories nor exceed forty-five (45) feet in height.

28.71.070 Lot Area, Frontage, and Outdoor Living Space Requirements.

A. **Lot Area and Frontage Requirements.** All buildings or portions thereof used for dwelling purposes shall comply with the lot area and frontage provisions of the R-3 Zone.

B. **Outdoor Living Space.** All buildings or portions thereof used for dwelling purposes shall comply with the outdoor living space provisions of the R-3 zone.

28.71.080 Parking Requirements.

Off-street parking and loading space shall be provided as required in Chapter 28.90 of this title.

SECTION 4. The Sectional Zone Map 8 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended by changing the zoning of the following Assessor's Parcel Numbers:

- 017-021-007 and 031,
- 017-022-002 through -004, -007 and -009,
- 017-700-018,
- 017-710-017,
- 017-720-009
- 033-052-015 through -018
- 033-053-007, -008, -013, -018, -020 and -023
- 033-054-007, -013, -014, -021, and -028
- 033-081-002,
- 033-082-004, 010 and -011
- 033-083-006, -007, -012. -016 through -019, and -022
- 033-084-001 through -007
- 033-112-001, -002, and -007 through -010
- 033-113-001, -008, -009, and -012 through -014

(as shown in the Exhibit A) from HRC-2, Hotel and Related Commerce 2 to OC, Ocean-Oriented Commercial.

SECTION 5. Sectional Zone Map 8 of Chapter 28.12 (Zone Map) of the Santa Barbara Municipal Code is hereby amended by changing the zoning of Assessor's Parcel Numbers:

- 017-021-020 and -024

- 033-052-004, -005, -007, -012, -019 and -020
- 033-053-003, -021, -022, and -024 through -027
- 033-054-004 through -006, -017, -020, -026, and -027
- 033-082-008

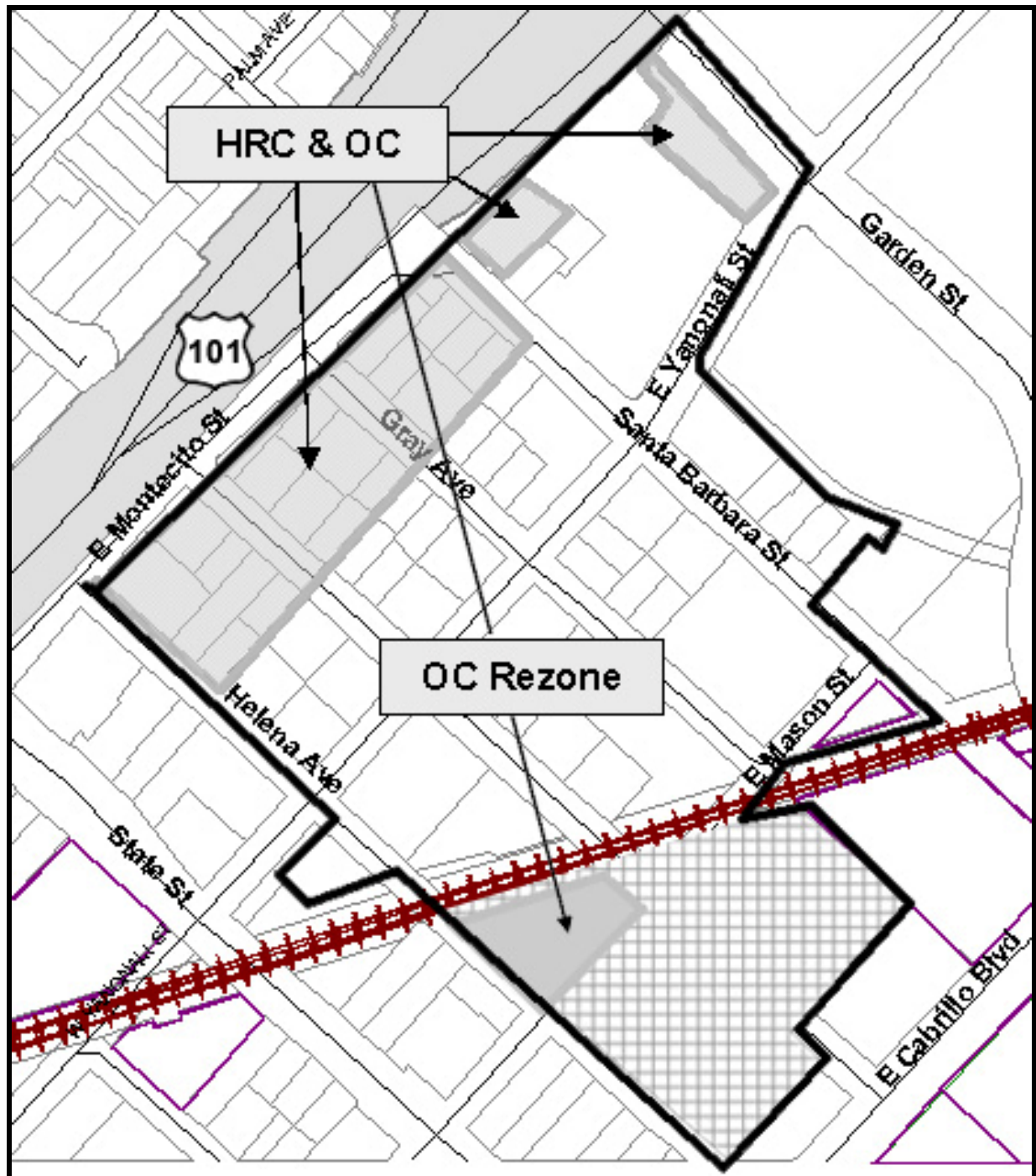
(as shown in the Exhibit A) from HRC-2, Hotel and Related Commerce 2 to the dual combined zone of OC, Ocean-Oriented Commercial / HRC-2, Hotel and Related Commerce 2.

SECTION 6. This ordinance shall not be effective until it has been certified by the California Coastal Commission pursuant to the requirements of the State Coastal Act.

EXHIBIT A (Attached Map)

Adopted February 8, 2005

EXHIBIT A
Proposed OC Rezoning in Waterfront



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| OC Rezone |
| HRC & OC |
| OC Uses & Small Hotels Allowed, Housing Prohibited |